

AMENDED IN ASSEMBLY JULY 2, 2004

AMENDED IN ASSEMBLY JUNE 14, 2004

**SENATE BILL**

**No. 1548**

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**Introduced by Senator Figueroa**

February 19, 2004

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An act to amend Sections 801, 4800, 4804.5, 4832, 4833, ~~4836~~, 4842.2, 4842.5, and 4875.4 of, and to add Section 4830.7 to, the Business and Professions Code, and to add Section ~~597.6~~ 597.7 to the Penal Code, relating to veterinary medicine, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1548, as amended, Figueroa. Veterinary medicine.

(1) Existing law requires, with specified exceptions, every insurer providing professional liability insurance to a person who holds a license, certificate, or similar authority from certain agencies to send a complete report to those agencies as to any settlement or arbitration award, as specified.

This bill would require every insurer providing liability insurance to a licensed veterinarian to send a complete report to the Veterinary Medical Board of any settlement or arbitration award over \$10,000.

(2) Existing law, the Veterinary Medical Practice Act, provides for licensing and regulation of veterinarians and other related persons by the Veterinary Medical Board of California. Existing law provides that all fees collected on behalf of the board are to be credited to the Veterinary Medical Board Contingent Fund, which is a continually appropriated fund. Existing law, until July 1, 2005, provides for the board to consist of 7 members, and authorizes the board to appoint an

executive officer exempt from civil service. Existing law requires the board to establish the Registered Veterinary Technician Committee, which is an advisory committee in issues pertaining to the practice of veterinary technicians. Existing law authorizes the committee to assist the board in the examination of applicants for veterinary technician registration. A violation of the Veterinary Medical Practice Act is a crime.

This bill would extend the operation of the provisions establishing the board and authorizing the appointment of an executive officer to July 1, 2009. The bill would require any person licensed under the Veterinary Medicine Practice Act, when the person has reasonable cause to believe an animal under his or her care has been a victim of animal abuse or cruelty, to promptly report the animal abuse or cruelty to the appropriate law enforcement authority. The bill would require the committee to advise the board in the examination of applicants for veterinary technician registration. The bill would require the committee to advise the board in the inspection and approval of schools or institutions offering a curriculum for training registered veterinary technicians. ~~The bill would require the board to adopt regulations, in consultation with the committee, establishing animal health care tasks that may be performed by an unregistered assistant as well as by a registered technician or licensed veterinarian.~~ *The bill would authorize the committee to advise and assist the board in developing regulations on various matters.* The bill would authorize the board to increase specified fees for filing an application for examination under the Veterinary Medicine Practice Act. The bill would authorize the board to establish a fee, not to exceed \$300, for the registered veterinary technician examination. Because fees from these examinations would be deposited in the Veterinary Medical Board Contingent Fund, which is continuously appropriated, the bill would make an appropriation. The bill would make it a misdemeanor for a person to crop the ears of a dog or to procure the cropping of a dog's ears, as specified. Because a violation of the bill would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 801 of the Business and Professions Code is amended to read:

801. (a) Every insurer providing professional liability insurance to a person who holds a license, certificate, or similar authority from or under any agency mentioned in subdivision (a) of Section 800 (except as provided in subdivisions (b), (c), (d), and (e)) shall send a complete report to that agency as to any settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(b) Every insurer providing professional liability insurance to a physician and surgeon licensed pursuant to Chapter 5 (commencing with Section 2000) or the Osteopathic Initiative Act shall send a complete report to the Medical Board of California or the Osteopathic Medical Board of California, as appropriate, as to any settlement over thirty thousand dollars (\$30,000); or arbitration award of any amount; or civil judgment of any amount, whether or not vacated by a settlement after entry of the judgment, that was not reversed on appeal; of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. A settlement over thirty thousand dollars (\$30,000) shall also be reported if the settlement is based on the licensee's negligence, error, or omission in practice, or by the licensee's rendering of unauthorized professional services, and a party to the settlement is a corporation, medical group, partnership, or other corporate entity in which the licensee has an ownership interest or that employs or contracts with the licensee. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto, within 30 days after service of the arbitration

1 award on the parties, or within 30 days after the date of entry of the  
2 civil judgment.

3 (c) Every insurer providing professional liability insurance to  
4 a person licensed pursuant to Chapter 13 (commencing with  
5 Section 4980) or Chapter 14 (commencing with Section 4990)  
6 shall send a complete report to the Board of Behavioral Science  
7 Examiners as to any settlement or arbitration award over ten  
8 thousand dollars (\$10,000) of a claim or action for damages for  
9 death or personal injury caused by that person's negligence, error,  
10 or omission in practice, or by his or her rendering of unauthorized  
11 professional services. The report shall be sent within 30 days after  
12 the written settlement agreement has been reduced to writing and  
13 signed by all parties thereto or within 30 days after service of the  
14 arbitration award on the parties.

15 (d) Every insurer providing professional liability insurance to  
16 a dentist licensed pursuant to Chapter 4 (commencing with Section  
17 1600) shall send a complete report to the Dental Board of  
18 California as to any settlement or arbitration award over ten  
19 thousand dollars (\$10,000) of a claim or action for damages for  
20 death or personal injury caused by that person's negligence, error,  
21 or omission in practice, or rendering of unauthorized professional  
22 services. The report shall be sent within 30 days after the written  
23 settlement agreement has been reduced to writing and signed by  
24 all parties thereto or within 30 days after service of the arbitration  
25 award on the parties.

26 (e) Every insurer providing liability insurance to a veterinarian  
27 licensed pursuant to Chapter 60 (commencing with Section 4825)  
28 shall send a complete report to the Veterinary Medical Board of  
29 any settlement or arbitration award over ten thousand dollars  
30 (\$10,000) of a claim or action for damages for death or injury  
31 caused by that person's negligence, error, or omission in practice,  
32 or rendering of unauthorized professional service. The report shall  
33 be sent within 30 days after written settlement agreement has been  
34 reduced to writing and signed by all parties thereto or within 30  
35 days after service of the arbitration award on the parties.

36 (f) The insurer shall notify the claimant, or if the claimant is  
37 represented by counsel, the insurer shall notify the claimant's  
38 attorney, that the report required by subdivision (a), (b), (c), or (d)  
39 has been sent to the agency. If the attorney has not received this  
40 notice within 45 days after the settlement was reduced to writing

1 and signed by all of the parties, the arbitration award was served  
2 on the parties, or the date of entry of the civil judgment, the  
3 attorney shall make the report to the agency.

4 (g) Notwithstanding any other provision of law, no insurer  
5 shall enter into a settlement without the written consent of the  
6 insured, except that this prohibition shall not void any settlement  
7 entered into without that written consent. The requirement of  
8 written consent shall only be waived by both the insured and the  
9 insurer. This section shall only apply to a settlement on a policy of  
10 insurance executed or renewed on or after January 1, 1971.

11 SEC. 2. Section 4800 of the Business and Professions Code  
12 is amended to read:

13 4800. There is in the Department of Consumer Affairs a  
14 Veterinary Medical Board in which the administration of this  
15 chapter is vested. The board consists of seven members, three of  
16 whom shall be public members.

17 This section shall become inoperative on July 1, 2009, and, as  
18 of January 1, 2010, is repealed, unless a later enacted statute,  
19 which becomes effective on or before January 1, 2010, deletes or  
20 extends the dates on which it becomes inoperative and is repealed.

21 The repeal of this section renders the board subject to the review  
22 provided for by Division 1.2 (commencing with Section 473).

23 SEC. 3. Section 4804.5 of the Business and Professions Code  
24 is amended to read:

25 4804.5. The board may appoint a person exempt from civil  
26 service who shall be designated as an executive officer and who  
27 shall exercise the powers and perform the duties delegated by the  
28 board and vested in him or her by this chapter.

29 This section shall become inoperative on July 1, 2009, and, as  
30 of January 1, 2010, is repealed, unless a later enacted statute,  
31 which becomes effective on or before January 1, 2010, deletes or  
32 extends the dates on which it becomes inoperative and is repealed.

33 SEC. 4. Section 4830.7 is added to the Business and  
34 Professions Code, to read:

35 4830.7. Whenever any licensee under this chapter has  
36 reasonable cause to believe an animal under its care has been a  
37 victim of animal abuse or cruelty, as prescribed in Section 597 of  
38 the Penal Code, it shall be the duty of the licensee to promptly  
39 report it to the appropriate law enforcement authorities of the  
40 county, city, or city and county in which it occurred. No licensee

1 shall incur any civil liability as a result of making any report  
2 pursuant to this section or as a result of making any report of a  
3 violation of subdivisions (a), (b), and (c) of Section 597 of the  
4 Penal Code.

5 SEC. 5. Section 4832 of the Business and Professions Code  
6 is amended to read:

7 4832. (a) The board shall establish an advisory committee on  
8 issues pertaining to the practice of veterinary technicians, that  
9 shall be known as the Registered Veterinary Technician  
10 Committee, hereafter referred to as the committee.

11 (b) It is the intent of the Legislature that the Veterinary Medical  
12 Board, in implementing this article, give specific consideration to  
13 the recommendations of the Registered Veterinary Technician  
14 Committee.

15 SEC. 6. Section 4833 of the Business and Professions Code  
16 is amended to read:

17 4833. (a) The committee shall advise and may assist the  
18 board in the examination of applicants for veterinary technician  
19 registration. The examination shall be held at least once a year at  
20 the times and places designated by the board.

21 (b) The committee may investigate and evaluate each  
22 applicant applying for registration as a registered veterinary  
23 technician and may recommend to the board for final  
24 determination the admission of the applicant to the examination  
25 and eligibility for registration.

26 (c) The committee may make recommendations to the board  
27 regarding the establishment and operation of the continuing  
28 education requirements authorized by Section 4838 of this article.

29 (d) The committee shall advise and may assist the board in the  
30 inspection and approval of all schools or institutions offering a  
31 curriculum for training registered veterinary technicians.

32 ~~SEC. 7. Section 4836 of the Business and Professions Code~~  
33 ~~is amended to read:~~

34 ~~4836. (a) The board shall adopt regulations, in consultation~~  
35 ~~with the committee, establishing animal health care tasks and an~~  
36 ~~appropriate degree of supervision required for those tasks that may~~  
37 ~~be performed only by a registered veterinary technician or a~~  
38 ~~licensed veterinarian.~~

39 ~~(b) The board also shall adopt regulations, in consultation with~~  
40 ~~the committee, establishing animal health care tasks that may be~~

~~performed by an unregistered assistant as well as by a registered veterinary technician or a licensed veterinarian. The board shall establish an appropriate degree of supervision by a registered veterinary technician or a licensed veterinarian over an unregistered assistant for any tasks established under this subdivision and the degree of supervision for any of those tasks shall be higher than, or equal to, the degree of supervision required when a registered veterinary technician performs the task.~~

~~(e) The board may adopt regulations, in consultation with the committee, to define subdivision (e) of Section 4840, including, but not limited to, procedures for citations and fines, in accordance with Section 125.9.~~

~~SEC. 8.—~~

~~(e) The committee may advise and assist the board in developing regulations to establish animal health care tasks and the appropriate degree of supervision required for those tasks for registered veterinary technicians and for unregistered assistants.~~

~~(f) The committee may advise and assist the board in developing regulations to define subdivision (c) of Section 4840, including, but not limited to, procedures for citations and fines, in accordance with Section 125.9.~~

~~SEC. 7. Section 4842.2 of the Business and Professions Code is amended to read:~~

~~4842.2. All funds collected by the board under this article shall be deposited in the Veterinary Medical Board Contingent Fund.~~

~~SEC. 9.—~~

~~SEC. 8. Section 4842.5 of the Business and Professions Code is amended to read:~~

~~4842.5. The amount of fees prescribed by this article is that fixed by the following schedule:~~

~~(a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter, not to exceed two hundred dollars (\$200).~~

~~(b) The fee for the California registered veterinary technician examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purposes of this chapter, not to exceed three hundred dollars (\$300).~~



(c) The initial registration fee shall be set by the board at not more than one hundred dollars (\$100), except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be set by the board at not more than fifty dollars (\$50). The board may adopt regulations to provide for the waiver or refund of the initial registration fee where the registration is issued less than 45 days before the date on which it will expire.

(d) The biennial renewal fee shall be set by the board at not more than one hundred dollars (\$100).

(e) The delinquency fee shall be twenty-five dollars (\$25).

(f) Any charge made for duplication or other services shall be set at the cost of rendering the services.

(g) The fee for filing an application for approval of a school pursuant to Section 4843 shall be set by the board at an amount not to exceed the cost of the approval process.

~~SEC. 10.—~~

*SEC. 9.* Section 4875.4 of the Business and Professions Code is amended to read:

4875.4. (a) The board shall, in the manner prescribed in Section 4808, adopt regulations covering the assessment of civil penalties under this article which give due consideration to the appropriateness of the penalty with respect to the following factors:

(1) The gravity of the violation.

(2) The good faith of the person being charged.

(3) The history of previous violations.

(b) In no event shall the civil penalty for each citation issued be assessed in an amount greater than five thousand dollars (\$5,000).

(c) Regulations adopted by the board shall be pursuant to the procedures for citations and fines in accordance with Section 125.9.

~~SEC. 11.—~~

*SEC. 10.* Section ~~597.6~~ 597.7 is added to the Penal Code, to read:

~~597.6.—~~

597.7. (a) Any person who crops the ears of any dog or procures the cropping of a dog's ears, except for treatment of disease or injury of the dog, is guilty of a misdemeanor.

(b) For purposes of this section the following definitions apply:



1 (1) “Ear cropping” means surgical alteration of the pinna that  
2 is performed for the purpose of manipulating the ears of any dog  
3 for cosmetic reasons so that the ears heal pointed.

4 (2) “Disease or injury” means a condition of the dog that  
5 impairs normal physiological functioning and does not include  
6 prevention of ear infections.

7 ~~SEC. 12.—~~

8 *SEC. 11.* No reimbursement is required by this act pursuant  
9 to Section 6 of Article XIII B of the California Constitution  
10 because the only costs that may be incurred by a local agency or  
11 school district will be incurred because this act creates a new crime  
12 or infraction, eliminates a crime or infraction, or changes the  
13 penalty for a crime or infraction, within the meaning of Section  
14 17556 of the Government Code, or changes the definition of a  
15 crime within the meaning of Section 6 of Article XIII B of the  
16 California Constitution.

